

Order

Michigan Supreme Court
Lansing, Michigan

July 20, 2007

Clifford W. Taylor,
Chief Justice

132823

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

KEVIN SMITH,
Plaintiff-Appellee,

v

SC: 132823
COA: 262139
Oakland CC: 2003-047984-NH

LOUIE KHOURI, D.D.S., LOUIE KHOURI,
D.D.S., P.C., and ADVANCED DENTAL CARE
CLINIC, L.L.C.,
Defendants-Appellants.

On order of the Court, the application for leave to appeal the November 16, 2006 judgment of the Court of Appeals is considered, and it is GRANTED, limited to the issue of whether, under the factors set forth in *Wood v DAIIE*, 413 Mich 573 (1982), MRPC 1.5, and other relevant case law, the trial court abused its discretion in awarding \$65,556 in attorney fees on the basis of \$450 and \$275 hourly rates. Special attention should be given to: (1) whether the trial court evaluated all factors relevant to the determination of a reasonable fee; (2) whether the trial court applied such factors to all the attorneys involved; (3) whether in particular the trial court properly applied factors pertaining to the fees customarily charged in the locality for similar legal services, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal services; (4) whether it is relevant to consider the proportionality between the amount of attorney fees and the award of damages; and (5) whether, if the plaintiff retained his attorneys pursuant to a contingent fee agreement, this fact should affect the calculation of reasonable attorney fees on the basis of hourly rates.

The State Bar of Michigan, Michigan Trial Lawyers Association, Michigan Defense Trial Counsel, Inc., Michigan Manufacturers Association, and Michigan Chamber of Commerce are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issue presented in this case may move the Court for permission to file briefs amicus curiae.

CAVANAGH and KELLY, JJ., would deny leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 20, 2007

Corbin R. Davis

Clerk